

REMARKS

Claims 1-9 are pending in this application. By this Amendment, claims 1 and 9 are amended.

Applicant appreciates the courtesies extended by Examiners Harris and Argenbright to Applicant's representative during the April 26, 2006 personal interview. The personal interview is summarized below and thus constitutes Applicant's record of the interview.

Claims 1-9 were rejected under 35 U.S.C. §102(b) over Katoh et al. (Katoh), U.S. Patent No. 4,834,031. The rejection is respectfully traversed.

Katoh fails to disclose an internal combustion engine with a specific control restriction module that, in response to detection of an occurrence of a failure, maintains a current compression ratio and restricts execution of a specific control that has adverse effects on stable combustion of an air-fuel mixture, as recited in claim 1 and as similarly recited in claim 9.

Katoh discloses a variable compression ratio control device with a control circuit 50 that detects whether a compression ratio detecting means has malfunctioned (col. 5, lines 36-39 and col. 7, lines 10-13). If a malfunction has occurred, the compression ratio is set to a low compression ratio (col. 5, lines 39-42 and col. 7, lines 57-59). After the low compression ratio has been set, an ignition timing map that is used for a high compression ratio is used at the low compression ratio (col. 8, lines 39-52). In other words, Katoh lowers and fixes the current compression ratio and simultaneously delays the ignition timing, so as to decrease the tendency toward knocking.

As discussed during the personal interview, Katoh fails to provide any disclosure with regard to maintaining a current compression ratio and restricting the execution of a specific control that has adverse effects on stable combustion of an air-fuel mixture, as recited in claims 1 and 9 or the controls that are restricted as recited in claims 4-8. Katoh instead

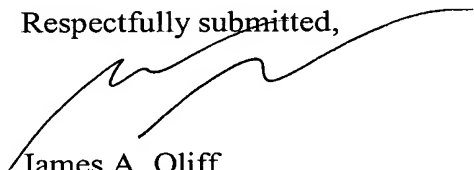
explicitly discloses using a low compression ratio and using the ignition timing for a high compression ratio when a malfunction occurs. Kato is the U.S. Patent corresponding to JP 1-35047 identified in paragraphs [0004] and [0005] of Applicant's specification and suffers the same problems as identified in paragraph [0005] of Applicant's specification.

It is respectfully requested that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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